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DATE: January 10, 2005

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Carolyn T. Blake, Examiner U.S. Patent and Trademark Office Group Art Unit 3724	703-872-9306	571-272-4503

FROM: Daniel R. Pote

PHONE: 602-382-6325

RE: Our Docket No. 42280.2400

U.S. Patent Application Serial No. 10/685,971

MESSAGE:

Transmitted herewith is the Response to Restriction Requirement in response to the Office Action of December 8, 2004 for the captioned matter. Thank you.

Sincerely, Daniel R. Pote, Reg. No. 43,011

ORIGINAL DOCUMENT: Will not be sent

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5

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I hereby certify that this correspondence pursuant to 37 C.F.R. §1.6(d), are being sent via facsimile to 703-872-9306 addressed to Examiner Carolyn T. Blake on:

Date 1-10-05By: *Edi Nieto*

Signature of Person Transmitting Facsimile

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE****UTILITY PATENT**

In re application of:	Koerselman	Docket No.:	42280.2400	
Serial No.:	10/685,971	Group Art Unit:	3724	
Filed:	October 15, 2003	Examiner:	C. Blake	
Title:	METHODS AND APPARATUS FOR A FOOD CUTTING DEVICE		Confirmation No.:	7935

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

In response to the Office Action mailed December 8, 2004, please consider the following timely-filed Remarks. Applicant notes that the deadline for response of January 8, 2005 fell on a Saturday, and, accordingly, the period for response is automatically extended to and including Monday, January 10, 2005. Applicant responds as follows.

REMARKS

This communication is responsive to the Office Action mailed December 8, 2004, which argues that restriction is required under 35 U.S.C. §121 as follows:

- I. FIGS 1-4 and
- II. FIG 6

The Examiner argues that Applicant must elect a single disclosed Species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In this regard, the following election is made without waiver, estoppel and without

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